IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

State of Rajasthan & Anr. v. Madanlal & Anr.

S.B.CIVIL WRIT PETITION NO.1024/1995
under Article 226 of the Constitution of India.

Date of Order : 24th October, 2005

P R E S E N T

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. B.L.Tiwari, Dy.Govt.Advocate.
Mr. Dharmendra Jasmatia, for the respondent.

BY THE COURT :

This petition for writ is preferred by State of Rajasthan giving challenge to the judgment dated 15.1.1993 passed by Rajasthan Civil Services Appellate Tribunal accepting the appeal preferred by respondent Government servant Shri Madanlal.

By the judgment impugned a direction was given to the petitioners to consider the case of the respondent Government servant with regard to regularisation of his services keeping him at part with Shri Bhanwarlal Tak who was screened and regularly appointed to the post of Pump Driver Gr.II w.e.f. 1.4.1991 under the Rajasthan Engineering

Subordinate (PHED Branch) Rules, 1967 (hereinafter referred to as “the Rules of 1967”).

It is contended by counsel for the petitioners that in accordance with the provisions of Rule 6(c) of the Rules of 1967 the case of respondent Government servant could have considered for the purpose of regularisation in service by making screening only on completion of 10 years of service and not prior to that. It is also contended that the respondent Government servant was working in work-charged cadre, therefore, he was not having any right to be considered for regularisation under the Rules of 1967.

I have heard counsel for the parties and also perused the impugned judgment.

The Rajasthan Civil Services Appellate Tribunal after considering all the facts and material available on record reached at the conclusion that the case of respondent Government servant Shri Madanlal is similar to the case of Shri Bhanwarlal Tak who was screened and regularly appointed to the post of Pump Driver Gr.II w.e.f. 1.4.1991. Learned Tribunal reached at a specific finding that the petitioner was discriminated with regard to regularisation of services vis-a-vis Shri Bhanwarlal Tak. Counsel for the petitioners failed to satisfy as to why the

benefits extended to Shri Bhanwarlal Tak who is also an employee similarly situated to the respondent Government servant cannot be extended as ordered by the judgment impugned.

It is fairly stated by counsel for the respondent that the directions given by the Tribunal have already been executed and the respondent Government servant has already stood retired from services on achieving the age of superannuation.

In view of whatever stated and discussed above I do not find any reason warranting interference of this Court with the judgment impugned while exercising powers under Articles 226 and 227 of the Constitution of India.

Accordingly this petition for writ is dismissed with no order as to costs.

(GOVIND MATHUR),J.

kkm/ps.